

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**KELLIE M. VARGO,**

Plaintiff,

v.

**RAS INDUSTRIES,  
STEVEN FISCHER,  
BRENDA MATTY,**

Defendants.

**2:05cv542  
Electronic Filing**

Judge Cercone  
Magistrate Judge Hay

**ORDER**

AND NOW, this 2<sup>nd</sup> day of March, 2006, after the plaintiff, Kellie M.

Vargo, filed an action in the above-captioned case, and after a Motion to Dismiss was submitted by defendants, RAS Industries, Steven Fischer and Brenda Matty, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that defendants' Motion to Dismiss (Document No. 16) is  
DENIED.



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David Stewart Cercone  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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